

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
THIRTIETH REGION

Milwaukee, Wisconsin

J & L FIBER SERVICES, INC.

Employer

and

Case 30-RC-6118

UNITED STEELWORKERS OF AMERICA,  
AFL-CIO, CLC

Petitioner

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:<sup>1</sup>

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The Labor Organization involved claims to represent certain employees of the Employer.

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<sup>1</sup> A Brief from the Employer has been received and considered.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full time and part-time production and maintenance employees, including molding employees, melting employees, cleaning employees, finishing employees, maintenance employees, pattern employees, shipping and receiving employees, including order pickers, receiving clerks, quality control technicians, production control employees, drafter and pattern programmers employed by the Employer at its Philip Drive and Progress Avenue facilities located in Waukesha, Wisconsin; but excluding all secretaries, office clerical employees, sales persons, managers, supervisors, including facilitators and assistant facilitators<sup>2</sup> and guards, as defined in the Act.

The Employer is engaged in manufacturing metal refiner plates and screen cylinders at its two Waukesha, Wisconsin facilities. There exists no history of collective bargaining for any of the employees in the petition for unit. The parties stipulated to the appropriateness of the bargaining unit and I find that it is an appropriate unit for purposes of collective bargaining. There are approximately 175 employees in the unit.

The parties stipulated that the times of the election will be from 3 a.m. to 4 a.m.; 10 a.m. to 11:30 a.m. and 4 p.m. to 5 p.m. They also stipulated that the election will be conducted at the second floor training room A/B -Progress Avenue plant. Likewise, the parties agreed that the employees will be released to vote by a team of observers according to a schedule to be submitted

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<sup>2</sup> Based upon the parties stipulation that the facilitators, and assistant facilitators exercise independent judgment and discretion on behalf of the Employer in disciplinary matters, I find they are supervisors within the meaning of the Act, and excluded from the bargaining unit.

to the Regional Office as soon as possible, but no later than the due date for receipt of the Excelsior List. The parties also stipulated that any employee unable to vote during their scheduled time, will be free to vote at any time the polls are open. Also, the parties stipulated that the ballots will be counted after the close of the third polling session at 5 p.m. on the day of the election. Also, upon agreement of the parties, each party, will have two observers at each session to assist them at the election. The parties further agreed that the notices, release schedules, and the ballots will be printed in both English and Spanish. Finally, the parties stipulated that the Union would notify the Region of the anticipated time(s) that the 6 discharged employees, whom are subject of the unfair labor practice charge in Case 30-CA-14748 would be voting. Thereafter the Region will notify the Employer's counsel so that arrangements would be made for them to enter the plant and vote.

The only outstanding issue is the date of the election, which the parties could not agree upon and left to my discretion. The Employer placed into evidence that during the week of June 28<sup>th</sup> approximately 30 employees will be on vacation, and during the week of July 5<sup>th</sup> approximately 32 employees are scheduled for vacation. The Employer asserts by testimony that during the week of July 12<sup>th</sup>, and in particular on July 15<sup>th</sup>, there will be approximately 11 employees on vacation. Neither party waived their filing of a Request for Review of this Decision. Accordingly, pursuant to Section 11302.1 of the National Labor Relations Board's Case Handling Manual, . . . "the election should not be scheduled prior to the 25<sup>th</sup> day after the issuance of that decision, unless the parties waive their right to file a request for review but not later than the 30<sup>th</sup> day after the Decision and Direction of election." Based upon Section 11302.1 of the Casehandling Manual, I shall direct that the election take place on Monday July 12, 1999 at the times, and place as set forth above.

## **DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned among employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by United Steelworkers of America, AFL-CIO, CLC.

## **LIST OF VOTERS**

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to the list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 384 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB No. 357 (1994). Accordingly, it is

hereby directed that within 7 days of the date of this Decision, the Employer shall file with the undersigned, **two** copies of an election eligibility list, containing the **full** names (including first and last names) and addresses of all the eligible voters, and upon receipt, the undersigned shall make the list available to all parties to the election. To speed preliminary checking and the voting process itself, it is requested that the names be alphabetized. **In order to be timely filed, such list must be received in the Regional Office, Suite 700, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, Wisconsin 53203 on or before June 23, 1999.** No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

#### **RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, Franklin Court, 1099 14th Street, N.W., Washington, DC 20570. **This request must be received by the Board in Washington by June 30, 1999.**

Signed at Milwaukee, Wisconsin this 16<sup>th</sup> day of June 1999.

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Philip E. Bloedorn, Regional Director  
National Labor Relations Board  
Thirtieth Region  
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